IN THE DISTRICT COURT OF THE UNITED STATES FOR THE DISTRICT OF SOUTH CAROLINA BEAUFORT DIVISION

Christopher Allan Rainey,	Civil Action No. 9:10-cv-01963-JFA -BM
Plaintiff	
Plainuii))
VS.	REPORT AND RECOMMENDATION
)
)
Doctor Thomas Byrnes;)
Rosita Thomas; and Leon Mack;)
)
Defendants)
)

The Plaintiff brought this action seeking relief pursuant to Title 42, United States Code, Section 1983. On October 11, 2010 the Defendants filed a motion to dismiss Plaintiff's claim of "unprofessionalism" as set forth in the Complaint. By order of this Court filed October 12, 2010, pursuant to Roseboro v. Garrison, 528 F.2d 309 (4th Cir. 1975), the Plaintiff was advised of the dispositive motion procedure and the possible consequences if he failed to respond adequately. Despite these warnings and explanations, however, the Plaintiff has not responded to the motion.

As Plaintiff has failed to respond, it is recommended that Defendant's motion be granted, and that any claims of "unprofessionalism" be dismissed from the Complaint.

The parties are referred to the notice page attached hereto.

Bristow Marchant

United States Magistrate Judge

November 17, 2010 Charleston, South Carolina

Notice of Right to File Objections to Report and Recommendation

The parties are advised that they may file specific written objections to this Report and Recommendation with the District Judge. Objections must specifically identify the portions of the Report and Recommendation to which objections are made and the basis for such objections. "[I]n the absence of a timely filed objection, a district court need not conduct a de novo review, but instead must 'only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation." *Diamond v. Colonial Life & Acc. Ins. Co.*, 416 F.3d 310 (4th Cir. 2005) (quoting Fed. R. Civ. P. 72 advisory committee's note).

Specific written objections must be filed within fourteen (14) days of the date of service of this Report and Recommendation. 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 72(b); see Fed. R. Civ. P. 6(a), (d). Filing by mail pursuant to Federal Rule of Civil Procedure 5 may be accomplished by mailing objections to:

Larry W. Propes, Clerk
United States District Court
Post Office Box 835
Charleston, South Carolina 29402

Failure to timely file specific written objections to this Report and Recommendation will result in waiver of the right to appeal from a judgment of the District Court based upon such Recommendation. 28 U.S.C. § 636(b)(1); Thomas v. Arn, 474 U.S. 140 (1985); Wright v. Collins, 766 F.2d 841 (4th Cir. 1985); United States v. Schronce, 727 F.2d 91 (4th Cir. 1984).

